

REMARKS

Claims 1-5, 7-9, 15-19, and 21-23 remain in the application with claims 1-5, 7-9, 15, and 18 having been amended hereby and claims 29 and 30 having been canceled.

Reconsideration is respectfully requested of the rejection of the claims under 35 USC 112, first paragraph, as not being enabled by the specification.

The independent claims 1 and 15 have been amended hereby to eliminate the phrase noted by the examiner that is not specifically found in the specification. It is respectfully submitted that eliminating this phrase does not render the claim indefinite since the spiral axis setting unit sets the spiral axis of the virtual spiral, which is explained in the present specification.

Reconsideration is respectfully requested of the rejection of claims 1, 2, 4, 15, 16, and 18 under 35 USC 102 (b), as being anticipated by Hatori et al.

Claims 29 and 30 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended hereby to include claim 29 in its entirety. Claim 29 has been canceled.

Claim 15 has been amended hereby to include claim 30 in its entirety. Claim 30 has been canceled.

Therefore, by reason of the inclusion of the allowable subject matter in claims 1 and 15 it is respectfully submitted that claims 1, 2, 4, 15, 16, and 18 are patentably distinct

over the cited reference.

Reconsideration is respectfully requested of the rejection of claims 3, 8, 9, 17, 22, and 23 under 35 USC 103, as being unpatentable over Hatori et al.

Claims 3, 8, and 9 depend from claim 1 and claims 17, 22, and 23 depend from independent claim 15. Based upon the inclusion of the allowable subject matter in the independent claims it is respectfully submitted that the above-noted claims are also patentably distinct over the cited reference.

Reconsideration is respectfully requested of the rejection of claims 5 and 19 under 35 USC 103, as being unpatentable over Hatori et al. in view of deJudicibus.

Claim 5 depends from claim 1 and claim 19 depends from independent claim 15. Based upon the inclusion of the allowable subject matter in the independent claims it is respectfully submitted that claims 5 and 19 are also patentably distinct.

Reconsideration is respectfully requested of the rejection of claims 7 and 21 under 35 USC 103, as being unpatentable over Hatori et al. in view of Hinckley.

Claim 7 depends from claim 1 and claim 21 depends from independent claim 15. Based on the inclusion of the allowable subject matter in the independent claims it is respectfully submitted that dependent claims 7 and 21 are also patentably distinct over the cited references.

Accordingly, by reason of the amendments to the claims to overcome the nonenablement rejection and the inclusion of allowable subject matter in the independent claims, it is

respectfully submitted that all claims remaining in this application are now in condition for allowance.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
COOPER & DUNHAM, LLP

A handwritten signature in cursive script, reading "Jay H. Maioli".

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